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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,476	03/11/2005	Erwin Werner	ZAHFRI P719US	3600
20210 7590 09/21/2007 DAVIS & BUJOLD, P.L.L.C. 112 PLEASANT STREET CONCORD, NH 03301				
			EXAMINER SY, MARIANO ONG	
			ART UNIT 3683	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/527,476	WERNER, ERWIN	
	Examiner	Art Unit	
	Mariano Sy	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 19, 2007 has been entered.

2. The disclosure is objected to because of the following informalities:

Page 1, Title "Method and Device for Preventing ----from Unintentionally Rolling"
should be --Method for Preventing ---- from Unintentionally Rolling--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 6-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant amended claims 6, 9, and 12 by

adding the limitation "to provide a warning to a driver of the vehicle that a parking brake is not set" which were not disclosed in the specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Mikami et al. (US 6,039,673), Tsukamoto et al. (US 5,692,990), or Thomas (US 6,411,881).

Mikami et al. disclosed a method of preventing a stationary vehicle from unintentionally rolling comprising the steps of: when the vehicle is stationary and a transmission is not in a neutral position, activating a brake holding mode upon activating a brake pedal to maintain the vehicle stationary, and deactivating the brake holding mode after deactivation of brake pedal only upon sufficient displacement of a clutch whereby the clutch displacement is a determinant of a takeover torque of the clutch, and upon deactivation of the brake pedal, if the clutch does not provide the takeover torque and if the brake pedal is not reactivated, then deactivating the brake holding mode, after a timing delay, for a predetermined time period, see figure 1, col. 1, lines 65-67 and col. 2, lines 1-21.

Tsukamoto et al. disclosed a method of preventing a stationary vehicle from unintentionally rolling comprising the steps of: when the vehicle is stationary and a transmission is not in a neutral position, activating a brake holding mode upon activating a brake pedal to maintain the vehicle stationary, and deactivating the brake holding mode after deactivation of brake pedal only upon sufficient displacement of a clutch whereby the clutch displacement is a determinant of a takeover torque of the clutch, and upon deactivation of the brake pedal, if the clutch does not provide the takeover torque and if the brake pedal is not reactivated, then deactivating the brake holding mode, after a timing delay, for a predetermined time period, see figure 1 and abstract.

Thomas disclosed a method of preventing a stationary vehicle from unintentionally rolling comprising the steps of: when the vehicle is stationary and a transmission is not in a neutral position, activating a brake holding mode upon activating a brake pedal to maintain the vehicle stationary, and deactivating the brake holding mode after deactivation of brake pedal only upon sufficient displacement of a clutch whereby the clutch displacement is a determinant of a takeover torque of the clutch, and upon deactivation of the brake pedal, if the clutch does not provide the takeover torque and if the brake pedal is not reactivated, then deactivating the brake holding mode, after a timing delay, for a predetermined time period, see figures 1-7, col. 5, lines 52-67, col. 6, lines 1-16 and 53-65.

Art Unit: 3683

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 571-272-7126.


The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 M. Sy

September 7, 2007

 9/13/07
ROBERT A. SICONOLFI
SUPERVISORY PATENT EXAMINER